

### Remarks

Reconsideration of this application is respectfully requested.

The Examiner objected to claims 16 and 19 for being the same claim. Applicant has amended claim 19 to address this issue.

Claims 22 and 26-30 are rejected under 35 USC 112, 1<sup>ST</sup> paragraph. The Examiner asserts that claim 22 calls a cross-section other than round in shape and claims 26, depending from claim 22, further limits the cross-section to be round in shape, which is impossible. Applicants point out that claim 22 calls for a "a tuft of bristles which has a cross-section that is other than round in shape", while claim 26 calls for "a second tuft having a cross-section that is round in shape." As there are two tufts that are called out, it is acceptable to have one tuft that is round in shape and the other tuft that is other than round in shape. Claims 27 and 28 depend from claim 26 and are thus acceptable in their current form. Claims 29 and 30 do not further limit a round bristle tuft. *de*

Claims 2, 13 and 22-30 are rejected under 35 USC 112, 2nd paragraph. The Examiner states that it is unclear what is meant by "round in shape" as it appears in claims 2, 13, 22, and 26-28. Applicants believe the language "round in shape" is clear. A dictionary definition of round is "having every part of the surface or circumference equidistant from the center" (Webster's Ninth New Collegiate Dictionary). As such, the phrase "round in shape" has a definite meaning. *de*

Claim 25 is rejected because the phrase "the group of characteristics" lacks antecedent basis. Applicants have amended this phrase to replace "the" with "a". *de*

Claim 25 is rejected because the phrase "the two tufts" lacks antecedent basis. Applicants disagree with this rejection. Claim 22, from which claim 25 depends calls for "a tuft of bristle..." Claim 25 calls for "an additional tuft..." Applicants thus believe there is antecedent basis for the phrase "the two tufts" in claim 25. *de*

Claim 27 is rejected because the phrase "the other tuft" lacks antecedent basis. Claims 22 and 26, from which claim 27 depends, call for a round shaped tuft and a tuft that is other than round in shape. Thus, Applicants believe antecedent basis is provided

for stating in claim 27 that "the round shaped tuft is perpendicular to a top surface of the head from which this tuft projects, and the other tuft..."

Claim 28 is rejected because the phrase "the other tuft" lacks antecedent basis. Claims 22 and 26, from which claim 28 depends, call for a round shaped tuft and a tuft that is other than round in shape. Thus, Applicants believe antecedent basis is provided for stating in claim 28 that "the round shaped tuft is at an acute angle to a top surface of the head from which this tuft projects, and the other tuft is oriented perpendicular to this surface."

Claim 29 is rejected because the phrase "the three tufts" lacks antecedent basis. Claims 22 and 25, from which claim 29 depends, call for a tuft of bristles and an additional tuft. Claim 29 calls for "a third tuft". Thus, Applicants believe antecedent basis is provided for the phrase in claim 29 "the three tufts".

Claims 29 and 30 are rejected for using different lengths of measure. Applicant has amended claim 30 to address this issue.

Claims 1-5, 15, 16, 18-20 and 22-26 are rejected under 35 USC 102(e) as being anticipated by USPN 6,308,367. Claims 1, 15 and 22 have been amended to indicate that the support member is circular in shape. The '367 patent does not disclose a support member that is circular in shape. As such, all of the claims listed in the 1<sup>st</sup> sentence of this paragraph are not anticipated by the '367 patent.

Claims 6-9 and 21 are rejected under 35 USC 102(b) as being anticipated by Cyzer. Claim 6 calls for "a resilient cushion...". The Examiner is asserting that elements 7 or 7a in Cyzer. There is no disclosure in Cyzer that disks 7 and 7a are in the form of a resilient cushion. Thus, claims 6-9 and 21 are not anticipated by Cyzer.

Claims 6-7 are rejected under 35 USC 102(b) as being anticipated by Berl or Leira. Claim 6 has been amended to indicate that the support member is circular in shape. Neither Berl nor Leira disclose a support member which is circular in shape. As such, claims 6 and 7 are not anticipated by Berl or Leira.

Claims 10, 12-14, 22-26 and 28 are rejected under 35 USC 102(b) as being anticipated by Maurer. The Examiner has asserted that tuft 12a in Figure 6 of Maurer is

tilted. Applicants disagree with this assessment and believe that tuft 12a is not tilted at all but extends in a perpendicular manner from the surface from which it projects. Thus claims 10 and 12-14 are not anticipated by Maurer.

Claim 22 has been amended to indicate that the circular shaped support member is movable relative to the neck. There is no such disclosure in Maurer. Accordingly, claims 22-26 and 28 are not anticipated by Maurer. *not true*

Claims 1-5, 15, 18, 20 and 22-27 are rejected under 35 USC 102(e) as being anticipated by Bojar. All of these claims call for a support member which is circular in shape. As Bojar makes no such disclosure, these claims are not anticipated by Bojar.

Claims 10-12 are rejected under 35 USC 102(b) as being anticipated by Duey. Claim 10 calls for "a second one of the tufts being tilted along an imaginary circumference which encircles the center of the circular surface and passes through a base of the second tuft." For an example of this type of tuft, see Applicants' Figure 3, tufts 22, 24 or 26. The Examiner is asserting that tuft 9 in the Duey reference meets this claim language. This is not correct. Tuft 9 does not tilt along an imaginary circumference which encircles the center of the circular surface. Accordingly, claims 10-12 are not anticipated by Duey.

Claims 15-19, 22, 23, 25 and 26 are rejected under 35 USC 102(e) as being anticipated by Carlucci. Claim 15 calls for "a pair of the tufts being tilted in substantially the same direction". The Examiner admits that all of the tufts in Carlucci are perpendicular yet asserts that these tufts are "tilted perpendicular". Webster's Ninth New Collegiate Dictionary defines "tilt" as "to cause to slope: incline...slant". Therefore, something which is perpendicular is not tilted. As such, claims 15-19 are not anticipated by Carlucci.

Claim 22 has been amended to include the features of cancelled claim 24 which was not rejected in view of Carlucci. Accordingly, claims 22, 25 and 26 should be allowable over this reference.

Claims 29 and 30 are rejected under 35 USC 103(a) as being obvious over Bojar in view of Paffrath. These two claims depend from claim 25 which depends from claim 22. Claim 22 calls for a support member which is circular in shape...and movable relative to

the neck. Bojar makes no such disclosure. Neither is there a teaching or suggestion in either of the references which would have motivated one skilled in the art to modify the Bojar brush so that it has a support member which is circular in shape and movable relative to the neck. Thus, claims 29 and 30 are not obvious in view of these two references.

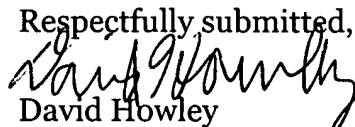
Claims 29 and 30 are rejected under 35 USC 103(a) as being unpatentable over Carlucci. These two claims depend from claim 25 which depends from claim 22. Claim 22 calls for the tuft to be tilted at an acute angle relative to a top surface of the head from which the tuft projects. There is no teaching or suggestion in this reference to tilt one of the tufts at an acute angle. Therefore, claims 29 and 30 are not obvious in view of Carlucci.

Applicant believes the present claims are now in condition for allowance and such action is earnestly requested.

The commissioner is hereby petitioned under 37 CFR §1.136(a) to grant any extension of time needed for timely response to the Office Action mailed May 06, 2003 in the above-identified application to preserve pendency of said application. The processing fee under 37 CFR §1.17 has been determined as follows: \$110 for a one (1) month extension of time.

- p The Commissioner is hereby authorized to charge payment of the above extension of time fee of \$110 and the following fees associated with this communication or credit any overpayment to Deposit Account No. 07-1350.
  - a. Any patent application processing fees under 37 CFR §1.16.
  - b. Any patent application processing fees under 37 CFR §1.17.
- p The Commissioner is hereby authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to Deposit Account No. 07-1350. A duplicate copy of this sheet is attached.

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